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RANDALL BAIRD

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EXAMINER

NGUYEN, TOAN D

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/409,922	<b>Applicant(s)</b> BAIRD ET AL.	
	<b>Examiner</b> TOAN D. NGUYEN	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-4, 6-19, 21-29, 31, 33-37, 39-56, 58-66, 68 and 70-74 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-19, 21-29, 31, 33-37, 39-56, 58-66, 68 and 70-74 is/are allowed.
- 6) ☒ Claim(s) 2-4 and 6-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Response to Arguments***

1. Applicant's arguments with respect to claims 2-4, 6-19, 21-29, 31, 33-37, 39-56, 58-66, 68 and 70-74 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Objections***

2. Claim 6 is objected to because of the following informalities:

Claim 6, line 11, it is suggested to change "the plurality of signaling gateways" to --- a plurality of signaling gateways ---.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 2-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allain et al. (US 6,449,259) in view of the applicant's admitted prior art (AAPA) further in view of Amir et al. (US 6,711,166).

For claims 3-4 and 6, Allain et al. disclose communication controller, comprising the steps of:

terminating a plurality of call signaling connections, each corresponding to one of a plurality of packet-switched calls, at a packet-switched signaling gateway (figure 2, reference 204), where each call signaling connection is packet-switched (col. 11, lines 25-27); and

communicating, over a number of sessions smaller than the plurality of call signaling connections, a signaling content of the call signaling connections from the signaling gateway (figure 2, reference 204) to a primary media gateway controller (figure 2, reference 202)(col. 11, lines 27-41).

However, Allain et al. do not expressly disclose routing a plurality of packet-switched bearer streams, each corresponding to one of the packet-switched calls, to a media endpoint controlled by the media gateway controller;

wherein the media gateway controller similarly controls multiple media endpoints and similarly communicates with multiple signaling gateways; and

where the routing includes routing some of the packet-switched bearer streams to one of the multiple media endpoints, and some others of the packet-switched bearer streams to another of the multiple media endpoints.

The applicant's admitted prior art (AAPA) discloses routing a plurality of packet-switched bearer streams, each corresponding to one of the packet-switched calls, to a media endpoint controlled by the media gateway controller (figure 4, reference 36)(page 3, lines 18-21); wherein the media gateway controller similarly controls multiple media endpoints and similarly communicates with multiple signaling gateways (page 3, lines 22-24); and

where the routing includes routing some of the packet-switched bearer streams to one of the multiple media endpoints, and some others of the packet-switched bearer streams to another of the multiple media endpoints (page 3, lines 22-24).

The applicant's admitted prior art (AAPA) disclose further comprising the step of interpreting, at the primary media gateway controller, the signaling content (page 3, lines 22-25 as set forth in claim 3); further comprising the step of issuing gateway control commands, from the media gateway controller to the media endpoint, based on the signaling content (page 3, line 25 to page 4, line 2 as set forth in claim 4).

One skilled in the art would have recognized the routing a plurality of packet-switched bearer streams, and would have applied the applicant's admitted prior art's media gateway controller in Allain et al.'s packet phone gateway. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the applicant's admitted prior art (AAPA) in Allain et al.'s communication controller

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with the motivation being to manage gateway bank 34 by handling call control signaling (page 3, lines 22-23).

Furthermore, Allain et al. in view of the AAPA do not expressly disclose a multiplexed signaling, and using the multiplexed signaling content received from the plurality of signaling gateways to control operation of the media endpoints. In an analogous art, Amir et al. disclose a multiplexed signaling, and using the multiplexed signaling content received from the plurality of signaling gateways to control operation of the media endpoints (col. 10, lines 59-61).

One skilled in the art would have recognized the multiplexed signaling, and using the multiplexed signaling content received from the plurality of signaling gateways to control operation of the media endpoints, and would have applied Amir et al.'s gateways in Allain et al.'s packet phone gateway. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Amir et al.'s system and method for packet network trunking in Allain et al.'s communication controller with the motivation being to multiplex the calls from the terminals onto a TCP-base IP trunk 110 or a UDP-based IP trunk 112 (col. 10, line 60).

For claim 2, Allain et al. disclose wherein the smaller number of sessions is one session (figure 2, col. 11 lines 32-41).

6. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allain et al. (US 6,449,259) in view of the AAPA and Amir et al. (US 6,711,166) further in view of Dalrymple et al. (US 6,826,272).

For claims 7-8, Allain et al. in view of the AAPA and Amir et al. do not expressly disclose wherein the media endpoint is a media proxy. In an analogous art, Dalrymple et al. disclose wherein the media endpoint is a media proxy (figure 1, reference 105, col. 4, lines 22-24). Dalrymple et al. disclose further the step of forwarding one of the packet-switched bearer streams from the media proxy to a media gateway also controlled by the media gateway controller (figure 2, references 211, col. 7, lines 17-24 as set forth in claim 8).

One skilled in the art would have recognized the media endpoint is a media proxy, and would have applied Dalrymple et al.'s routing a PSTN call to an H.323 handset in Allain et al.'s packet phone gateway. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Dalrymple et al.'s method and apparatus for integrated multimedia call control in Allain et al.'s communication controller with the motivation being to perform a routing from an incoming network PSTN call, through the gateway to the user's H.323 handset (col. 6 lines 25-27).

***Allowable Subject Matter***

7. Claims 9-19, 21-29, 31, 33-37, 39-56, 58-66, 68 and 70-74.

Regarding claim 9, the prior art fails to teach a combination of the steps of: prior to the forwarding step, modifying the format of the forwarded packet-switched bearer stream within the media proxy, in the specific combination as recited in the claim.

Regarding claim 12, the prior art fails to teach a combination of the steps of:

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multiplexing, at the primary media gateway controller, outbound signaling content destined for the packet-switched call signaling connections terminated by the signaling gateway, onto the smaller plurality of sessions with the signaling gateway, in the specific combination as recited in the claim.

Regarding claim 27, the prior art fails to teach a combination of the steps of:

means for parsing the multiplexed signaling content into multiple protocol data units and transmitting each protocol data unit over its appropriate packet-switched call signaling connection, in the specific combination as recited in the claim.

Regarding claim 31, the prior art fails to teach a combination of the steps of:

multiplexing means for assembling outbound signaling content- destined for the packet-switched call signaling connections terminated by the signaling gateway- onto a number of sessions smaller than a number of terminated call signaling connections for transmission to the signaling gateway, in the specific combination as recited in the claim.

Regarding claim 37, the prior art fails to teach a combination of the steps of:

a plurality of media endpoints, which comprises both media gateways and media proxies, with each endpoint capable of terminating a plurality of packet switched bearer streams, in the specific combination as recited in the claim.

Regarding claim 46, the prior art fails to teach a combination of the steps of:

prior to the forwarding step, modifying the format of the forwarded packet-switched bearer stream within the media proxy, in the specific combination as recited in the claim.



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Regarding claim 49, the prior art fails to teach a combination of the steps of:

multiplexing, at the primary media gateway controller, outbound signaling content destined for the packet-switched call signaling connections terminated by the signaling gateway, onto a smaller plurality of sessions with the signaling gateway, in the specific combination as recited in the claim.

Regarding claim 64, the prior art fails to teach a combination of the steps of:

means for parsing the multiplexed signaling content into multiple protocol data units and transmitting each protocol data unit over its appropriate packet-switched call signaling connection, in the specific combination as recited in the claim.

Regarding claim 68, the prior art fails to teach a combination of the steps of:

multiplexing means for assembling outbound signaling content- destined for the packet-switched call signaling connections terminated by the signaling gateway- onto a number of sessions smaller than a number of terminated call signaling connections for transmission to the signaling gateway, in the specific combination as recited in the claim.

Regarding claim 74, the prior art fails to teach a combination of the steps of:

a set of one or more primary media gateway controllers, the set of primary media gateway controllers in communication with each of the signaling gateways through H.323 backhaul channels and each of the media endpoints, the primary media gateway controllers using multiplexed signaling content received from the plurality of signaling gateway to control operation of the media endpoints, in the specific combination as recited in the claim.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TOAN D. NGUYEN whose telephone number is (571)272-3153. The examiner can normally be reached on M-F (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. D. N./  
Examiner, Art Unit 2616

/FIRMIN BACKER/  
Supervisory Patent Examiner, Art Unit 2616